

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

TIMOTHY N. EVANS

PLAINTIFF

V.

NO. 4:15-CV-00072-DMB-JMV

DR. JUAN SANTOS, ET AL.

DEFENDANTS

ORDER REGARDING REPORT AND RECOMMENDATION

On September 16, 2015, United States Magistrate Judge Jane M. Virden issued a Report and Recommendation recommending that nursing supervisor Norma Evans be dismissed as a defendant in this § 1983 action because Plaintiff Timothy N. Evans stated at his *Spears*¹ hearing that he intended Evans only as a witness, but that process be issued for the remaining defendants. Doc. #26. Since the entry of the Report and Recommendation, however, Evans claims he was provided with further discovery,² and that such discovery supports naming Norma Evans as a defendant in this action. Doc. #73. Accordingly,

1. The Court adopts in part, and declines to adopt in part, the Report and Recommendation [26] dated September 16, 2015. The Court declines to adopt the Report and Recommendation to the extent it recommends the dismissal of Norma Evans as a defendant but adopts it in all other respects; and

2. It is **ORDERED** that Norma Evans shall remain a defendant in this action, and process be issued against her accordingly.

SO ORDERED, this 25th day of January, 2016.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE

¹ *Spears v. McCotter*, 766 F.2d 179 (5th Cir. 1985).

² Specifically, Evans claims that he “didn’t have a complete copy of all emails” at the time of the *Spears* hearing, but that Norma Evans “was named in every email by Jim Norris (MDOC attorney) that waiver by Attorney Steiner provided.” Doc. #73 at 4. Evans then alleges that Norma Evans was part of the team that abused various inmates on death row. *Id.*